

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF OKLAHOMA

3
4 QUINDA BEESON,
5 Plaintiff,

6 vs. No. CIV-20-327-SLP

7 SAFECO INSURANCE COMPANY OF
8 AMERICA,
9 Defendant.

10 VIRTUAL VIDEO-RECORDED DEPOSITION OF
11 CORPORATE REPRESENTATIVE DIANA FOX
12 Taken on Behalf of the Plaintiff
On January 24, 2022, beginning at 9:32 a.m.
All Parties Appearing Remotely Via Zoom

13 APPEARANCES:

14 Appearing on behalf of the PLAINTIFF

15 Jacob J. Rowe
16 FULMER SILL
17 1101 North Broadway, Suite 102
Oklahoma City, Oklahoma 73103
(405) 510-0077
Jrowe@fulmersill.com

18 Appearing on behalf of the DEFENDANT

19 William W. O'Connor
20 HALL ESTILL
21 320 South Boston Avenue, Suite 200
Tulsa, Oklahoma 74103-3706
(918) 594-0588
22 Boconnor@hallestill.com

23

24

25

Reported By: Becky C. Dame, CSR, RPR

1 A Yes.

2 Q And "general damages" refers to the types
3 of damages that folks in the noninsurance world
4 would consider pain and suffering damages; true?

5 A Yes.

6 Q He also notes that the tortfeasor has
7 \$50,000 in liability coverage; correct?

8 A Yes.

9 Q And it indicates that he would be setting
10 the \$100,000 UIM/BI; correct?

11 A Yes.

12 Q That last section setting \$100,000 UIM/BI,
13 that is a reserve setting for Mrs. Beeson's claim;
14 correct?

15 A Yes.

16 Q And Safeco's own claim-handling guidelines
17 teach adjusters that the reserve that is to be set
18 on a claim is the expected settlement value of a
19 claim given everything they know when the reserve is
20 set; correct?

21 MR. O'CONNOR: Objection to form.

22 THE WITNESS: I wouldn't -- I wouldn't say
23 that. I would say it's a best guess at the most
24 probable outcome.

25 BY MR. ROWE:

1 Q So Mr. Linwood's best guess and the most
2 probable outcome of Mrs. Beeson's claim is that she
3 would receive payment of the full value of her
4 \$100,000 UM policy; correct?

5 A Yes.

6 Q I'd like to draw your attention now to a
7 document Bates stamp Safeco 342. This is a document
8 we began reviewing just a few moments ago. You've
9 taken a look at this before in your review of the
10 claim file?

11 A I have.

12 Q This is a claim note entry from Mr. Jung
13 Wong, who is a Safeco claims manager, regarding a
14 complex triage of the Beeson claim; true?

15 A Yes.

16 Q The substance of the note does not
17 indicate who was involved with the triage of the
18 claim; correct?

19 A I'm not sure I understand your question.

20 Q We know that Mr. Wong indicates that is a
21 complex triage to Mrs. -- to BARMEY; correct?

22 A Yes.

23 Q And you know that that is an employee code
24 for the adjuster Barbara Meyer; true?

25 A Yes.

1 Mr. Ventura on November 6th confirming that she is
2 issuing payment in the amount of \$25,000 as an
3 unconditional tender and that Mrs. Beeson is not
4 accepting the same as full and final payment; true?

5 A Yes.

6 Q And also noting that Mr. Ventura objects
7 to the use of Safeco's using billed amounts -- or
8 paid amounts versus billed amounts in evaluating her
9 claim; true?

10 A Yes.

11 Q I'd like to draw your attention to a
12 document bearing Bates stamps Safeco 139 through
13 144, which is titled "Bodily Injury Evaluation
14 Worksheet."

15 You've reviewed this document, have you
16 not?

17 A I have.

18 Q And this is the -- kind of the summation
19 of Mrs. Meyer's evaluation of the damages that
20 Ms. Beeson is entitled to recover under the terms of
21 her UM policy; true?

22 A Yes.

23 Q I'd like to go to the final page of this
24 document. There's a spreadsheet on page -- Safeco
25 144 that contains kind of the end result of her work

1 records?

2 A Yes.

3 Q Those records were not in the original
4 claim file associated with Safeco's handling of this
5 claim; true?

6 A That's true.

7 Q And Safeco is not continuing to handle
8 Mrs. Beeson's UM claim; correct?

9 A I would not say that is correct.

10 Q Okay.

11 A It's still open. We're ready to negotiate
12 it.

13 Q Okay. Did you look at the claim file from
14 the continued handling the UM claim post litigation?

15 A I did not.

16 Q Do you know whether or not there is a
17 post-litigation UM claim-handling file?

18 A I assume there is. It's still open.

19 Q Given that one of the topics you're
20 testifying on today are the facts that Safeco
21 intends to rely at trial on, does Safeco intend to
22 utilize any material within that continuing claim
23 file in defense of the allegations made by
24 Mrs. Beeson here?

25 MR. O'CONNOR: Objection to form.

1 THE WITNESS: I don't know.

2 BY MR. ROWE:

3 Q Do you know whether or not Safeco has
4 revised its evaluation of the UM benefits due to
5 Mrs. Beeson?

6 A I have not seen anything after the
7 litigation.

8 Q Okay. Mrs. Fox, do you believe that you
9 have understood the questions that I have asked of
10 you today?

11 A I think so.

12 Q Are there any answers to questions or
13 testimony that you would like to revise or edit at
14 this time?

15 A No.

16 MR. O'CONNOR: Object to the form.

17 She'll review it when she gets the
18 transcript.

19 MR. ROWE: Sure. I just -- I heard a
20 lawyer do that a long time ago, Ms. Fox, and I'm --
21 you know, after we take a break, I do it.

22 THE WITNESS: None that I remember.

23 MR. ROWE: He was a defense lawyer, Bill,
24 that I think recently retired.

25 BY MR. ROWE: